

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

A. BRADLEY FLICKINGER and	:	CIVIL ACTION NO. 1:04-CV-2252
MARIANNE M. FLICKINGER,	:	
	:	(Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
LEBANON SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	
	:	

ORDER

AND NOW, this 13th day of April, 2005, upon consideration of the report of the magistrate judge (Doc. 21), to which no objections were filed, recommending that defendants' motion to dismiss be granted only with respect to plaintiffs' demand for a writ of mandamus directing defendants to reinstate plaintiff A. Bradley Flickinger ("Flickinger") as school principal, and following an independent review of the record, and it appearing that adequate alternative relief is available to remedy the alleged harm caused by defendants' wrongful termination of Flickinger, see Hinkel v. England, 349 F.3d 162, 164 (3d Cir. 2003) (stating that there must be inadequate alternative means of relief for writ of mandamus to issue); see also Feldman v. Phila. Hous. Auth., 43 F.3d 823, 831-32 (3d Cir. 1994) (noting that front pay is alternative remedy to reinstatement); Bruno v. W.B. Saunders Co., 882 F.2d 760, 772 (3d Cir. 1989) (same); 45 AM. JUR. 2D Job Discrimination § 240 (2004) ("Front pay is compensation for future economic losses stemming from present discrimination that cannot be remedied by traditional

rightful-place relief, such as hiring, promotion, or reinstatement.”), and that the complaint otherwise sets forth actionable claims, see Ransom v. Marrazo, 848 F.2d 398, 401 (3d Cir. 1988), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 21) is ADOPTED.
2. The motion to dismiss (Doc. 13) is GRANTED with respect to plaintiff's demand for a writ of mandamus and is otherwise DENIED.
3. The above-captioned case is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge